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EXAMINER	
ADAMS, CHARLES D	
ART UNIT	PAPER NUMBER
2164	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/815,112	PACZKOWSKI ET AL.	
	Examiner	Art Unit	
	Charles D. Adams	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to communications filed on 4 January 2006, claims 1-4, 6-10, 15-17 are amended. Claims 1-20 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by Ryan et al. (US Pre-Grant Publication 2003/0088554).

Ryan et al. teaches:

Receiving a search request for a keyword from a client computer (see paragraphs [0043] and [0076]-[0077]);

Providing a search result responsive to the search request, the search result including at least one link that is determined to be relevant to the keyword based on consumer actions with respect to the link as displayed on different search results from different search engine (see paragraphs [0043], [0064], and [0076]-[0077]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 1-3, 5-9, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al. (US Pre-Grant Publication 2003/0088554) in view of Teng et al. (US Patent 6,631,367).

As to claim 1, Ryan et al. teaches receiving a plurality of client data from a plurality of client computers employed by consumers to browse web pages on the Internet, each client data in the plurality of client data being indicative of links preferred by a consumer for particular keywords employed by the consumer to perform searches across different search engines on the Internet (see paragraphs [0043], [0068], and [0076]-[0077])

Ryan et al. does not explicitly teach receiving a keyword from a search engine over the Internet;

Teng et al. teaches receiving a keyword from a search engine over the Internet (see column 2, lines 18 to 33 and column 6, lines 6-22);

Ryan et al. as modified teaches providing the search engine a plurality of links over the Internet, the plurality of links pointing to at least one document on the internet

(see Teng et al. 2:18-33 and 6:6-22), at least one link in the plurality of links determined to be relevant to the keyword based on the plurality of client data (see Ryan et al. paragraphs [0043] and [0076]-[0077]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ryan et al. in view of Teng et al., since Teng et al., teaches that "applications built with search technology cannot be designed in vendor-independent manner. A need exists for standard inter search technology protocols to locate and mix the best search technologies to service a particular query" (see 1:33-37).

As to claim 2, Ryan et al. as modified teaches further comprising creating a search model using the plurality of client data, the search model being configured to provide a score indicative of a relevance of a link to the keyword (see Ryan et al. paragraphs [0076]-[0077]).

As to claim 3, Ryan et al. as modified teaches wherein the plurality of client data is stored in a database in a message server computer in communication with a message delivery program generating client data (see paragraphs [0040]-[0041] and [0076]-[0077]. Some output data sets can be 'permanent', meaning that they are recorded in a database on the server).

As to claim 5, Ryan et al. as modified teaches wherein links associated with the keyword are assigned corresponding scores using a search model (see Ryan et al. paragraph [0076]-[0077]).

As to claim 6, Ryan et al. as modified teaches including the plurality of links in a search result provided to a first client computer in the plurality of client computers (see Ryan et al. paragraph [0076]-[0077]).

As to claim 7, Ryan et al. as modified teaches wherein a link in the plurality of links points to a web page (see Ryan et al. paragraphs [0043] and [0076]-[0077]).

As to claim 8, Ryan et al. as modified teaches wherein the first client computer does not have a client program in communication with a server computer providing the plurality of links to the search engine over the Internet (see paragraphs [0043] and [0065]-[0068] and Figure 1. The search engine provides the plurality of links to the user. A client program on a first client computer does not provide the plurality of links to the search engine).

As to claim 9, Ryan et al. as modified teaches wherein the plurality of client data comprises consumer navigation history (see paragraph [0081]).

As to claim 11, Ryan et al. as modified teaches wherein the at least one link is determined to be relevant to the keyword based on a number of times consumers clicked on the at least one link (see paragraphs [0076]-[0077] and [0108]-[0112]).

As to claim 13, Ryan et al. as modified teaches wherein the at least one link is determined to be relevant to the keyword based on an amount of time consumers spent viewing a web page pointed to by the at least one link (see paragraphs [0076]-[0077]).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al. (US Pre-Grant Publication 2003/0088554) in view of Teng et al. (US Patent 6,631,367), and further in view of Kamangar et al. (US Pre-Grant Publication 2003/0046161).

As to claim 4, Ryan et al. as modified teaches the method of claim 1.

Ryan et al. as modified does not teach informing the search engine of a selected layout among a plurality of different layouts to be used in presenting the plurality of links, the selected layout being selected based on a number of consumers who clicked on a link as presented in the selected layout versus the same link as presented in other layouts.

Kamangar et al. teaches informing the search engine of a selected layout among a plurality of different layouts to be used in presenting the plurality of links, the selected layout being selected based on a number of consumers who clicked on a link as

presented in the selected layout versus the same link as presented in other layouts (see paragraphs [0040] and [0043]. The position of four advertisements within a layout is considered by 'performance factors', one of which takes into "a measure of user interest for the ad weighted for past positions of the ad relative to those past positions". Ryan et al. teaches to count clicks, paragraphs [0076]-[0077] and [0087]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Ryan et al. by the teaching of Kamangar et al., since Kamangar et al. teaches that "the present invention involves novel methods, apparatus, message formats and data structures for providing effective advertisements in an interactive environment" (see paragraph [0022]).

7. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al. (US Pre-Grant Publication 2003/0088554) in view of Teng et al. (US Patent 6,631,367), and further in view of Gerace (US Patent 5,848,396).

As to claim 10, Ryan et al. teaches the method of claim 1.

Ryan et al. does not teach wherein the plurality of client data comprise consumer purchase behavior.

Gerace teaches wherein the plurality of client data comprise consumer purchase behavior (see column 2, lines 24-29 and column 2, lines 35-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was claimed to have modified Ryan et al. by the teaching of Gerace,

since Gerace teaches that "the data assembly is able to transmit advertisements for display to users based on psychographic and demographic profiles of the user to provide targets marketing" (see 2:31-34).

As to claim 12, Ryan et al. teaches the method of claim 1.

Ryan et al. does not teach wherein the at least one link is determined to be relevant to the keyword based on a number of times consumers made a purchase by following the at least one link.

Gerace teaches wherein the at least one link is determined to be relevant to the keyword based on a number of times consumers made a purchase by following the at least one link (see 2:24-29 and 2:35-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was claimed to have modified Ryan et al. by the teaching of Gerace, since Gerace teaches that "the data assembly is able to transmit advertisements for display to users based on psychographic and demographic profiles of the user to provide targets marketing " (see 2:31-34).

8. Claims 14-15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al. (US Pre-Grant Publication 2003/0088554) in view of Anderson et al. (US Pre-Grant Publication 2004/0167928).

As to claim 14, Ryan et al. teaches a system for providing search results (see paragraph [0043]), the system comprising:

A plurality of client computers (see paragraph [0040]),

Ryan et al. does not teach each of the client computers including a message delivery program that is configured to record client data indicative of consumer preferred links for keywords employed to perform searches across different search engines.

Anderson et al. teaches each of the client computers including a message delivery program that is configured to record client data indicative of consumer preferred links for keywords employed to perform searches across different search engines (see paragraphs [0051]-[0052] and Ryan et al. paragraphs [0076]-[0077] and [0087]-[0089] for "indicative of consumer preferred links for keywords employed to perform searches across different search engines").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ryan et al. by the teaching of Anderson et al., as Anderson et al. teaches "As can be appreciated by the foregoing description, the present invention expands opportunities for advertisers to serve their ads to end users perceiving content to which the ads are relevant. One or more client device applications can be used to (i) request ads relevant to the content of a requested document and/or (ii) render one or more content-relevant ads in association with the requested document" (paragraph [0070]).

Ryan et al. as modified teaches a message server computer configured to receive client data from the message delivery program in each of the client computers,

the message server computer storing a ranking of links associated with particular keywords, the ranking being based on client data (see Ryan et al., paragraphs [0040]-[0041] and [0076]-[0077], and Anderson et al. paragraph [0054]).

As to claim 15, Ryan et al. as modified teaches further comprising:

A search engine configured to receive a search request for a keyword from a first client computer, the search engine being configured to provide the keyword to the message server computer and to receive a set of links from the message server computer over the Internet, the links in the set of links determined to be relevant to the keyword based on the client data (see Ryan et al. paragraphs [0043] and [0076]-[0077]).

As to claim 17, Ryan et al. as modified teaches wherein the links in the set of links point to web pages on the Internet (see Ryan et al. paragraphs [0043] and [0076]-[0077]).

As to claim 18, Ryan et al. as modified teaches further comprising:

A search model created using the client data and configured to provide a score for a link, the score being indicative of a relevance of the link to a keyword (see Ryan et al., paragraphs [0076]-[0077]).

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al. (US Pre-Grant Publication 2003/0088554) in view of Anderson et al. (US Pre-Grant Publication 2004/0167928), and further in view of Kamangar et al. (US Pre-Grant Publication 2003/0046161).

Ryan et al. as modified teaches the system of claim 14.

Ryan et al. as modified does not teach wherein the search engine is configured to receive information on a selected layout among a plurality of different layouts to be used in presenting the set of links from the message server computer, the selected layout being selected based on a number of consumers who clicked on a particular link as presented in the selected layout versus the same particular link as presented in other layouts in the plurality of different layouts.

Kamangar et al. teaches wherein the search engine is configured to receive information on a selected layout among a plurality of different layouts to be used in presenting the set of links from the message server computer, the selected layout being selected based on a number of consumers who clicked on a particular link as presented in the selected layout versus the same particular link as presented in other layouts in the plurality of different layouts (see paragraphs [0040] and [0043]. The position of four advertisements within a layout is considered by 'performance factors', one of which takes into "a measure of user interest for the ad weighted for past positions of the ad relative to those past positions". Ryan et al. teaches to count clicks, paragraphs [0076]-[0077] and [0087]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Ryan et al. by the teaching of Kamangar et al., since Kamangar et al. teaches that "the present invention involves novel methods, apparatus, message formats and data structures for providing effective advertisements in an interactive environment" (see paragraph [0022]).

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al. (US Pre-Grant Publication 2003/0088554) in view of Bottigelli et al. (EP 1 217 560 A1).

As to claim 20, Ryan et al. teaches wherein the link is determined to be relevant based on client data received from a plurality of client programs provided to consumers (see paragraphs [0043] and [0076]. It receives information from internet browsers, which are client programs provided to users)

Ryan et al. does not teach in exchange for a product provided free of charge or at a reduced cost.

Bottigelli et al. teaches in exchange for a product provided free of charge or at a reduced cost (see paragraphs [0050]-[0051]. Free Internet is provided in exchange for downloading and using the client program).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ryan et al. by the teaching of Bottigelli et al., since Bottigelli et al. teaches that "a further object of the invention, strictly deriving

from the previous one, is to simplify the targeting of advertisement contents, by enabling the creation of a reliable profile on the basis of interactions made on advertisement contents only" (see paragraph [0023]).

Response to Arguments

11. Applicant's arguments filed 4 January 2007 have been fully considered but they are not persuasive.

Applicant argues that Ryan et al. does not teach or suggest receiving data pertaining to consumer searches across different search engines. In response to this argument, Examiner notes Figure 2, which has listed under "Data Inputs to the Search Engine" (element 50), "Results from other search engines" (element 80).

Applicant argues that "While Ryan's search engine can receive results from other search engines, Ryan does not teach or suggest that these results are consumer-preferred links". It is noted that this feature is not claimed in the present invention, with claim 1 merely reciting that the particular keywords are employed by the consumer to perform searches across different search engines. In addition to this, it is noted that in paragraphs [0087]-[0088], search results from the present and external search engines are combined, and tagging to determine customer preference is done to the list as a

whole. Therefore, links provided by external search engines can become consumer-preferred links.

Regarding Ryan paragraph 68, the client data received from a plurality of computers is taught in paragraph [0040] and [0076]-[0077], which indicates that multiple users are involved in sending data.

Applicant argues that the surfer trade data are not effective as it is based on consumer selection from search results from a single search engine. In response to this argument, Examiner notes paragraphs [0087]-[0089], in which results from multiple search engines are combined and tagged.

Applicant argues in regards to claim 8 that Ryan et al. does not teach "wherein the first client computer does not have a client program in communication with a server computer providing the plurality of links to the search engine over the Internet". It is noted that Ryan et al. teaches that the client computer does not have a client program that provides the plurality of links to the search engine.

Applicant argues in regards to claim 19 that Ryan et al. teaches responding to a link from a single search engine – not different search engines. In response to this argument, Examiner notes in paragraphs [0087]-[0089], that search results from multiple search engines are combined, and that Ryan et al.'s methods of determining

consumer preference act on search results regardless of their source.

As to applicant's arguments in regards to claims 10 and 12, it is noted that Ryan et al. teaches multiple pieces of client data, including profile data and other personalization information (see paragraph [0054]). It would be obvious to one of ordinary skill in the art to record purchase information in an "other personal data" category. Ryan et al. can determine what to display to users based on multiple attributes (see paragraph [0082]). It is also noted that Gerace teaches storing consumer purchase and viewing behavior (see column 2, lines 24-29 and column 2, lines 35-52).

In regards to claim 14, Anderson et al. teaches "a plurality of client computers, each of the client computers including a message delivery program that is configured to record client data" (see paragraphs [0051]-[0052]. Client data to request relevant ads is sent to a server). Ryan et al. teaches "indicative of consumer preferred delivery programs that is configured to record client data indicative of consumer preferred links for keywords employed to perform searches across different search engines" (see Ryan et al. paragraphs [0076]-[0077] and [0087]-[0089] for "indicative of consumer preferred links for keywords employed to perform searches across different search engines").

In regards to claim 15, Applicant argues that Ryan et al. does not provide the keyword to a message server computer to receive a set of links. In response to this

argument, Examiner notes that Anderson et al. provides relevance information (concepts, topics, categories, and classifications) to a message server to search for a relevant ad (see paragraph [0051]). Ryan et al. receives keyword and relevance information from a user, passes them along to search engines, and evaluates what links to return (see paragraphs [0087]-[0088]). Also, Anderson et al. teaches "the ender user system, the content server, and the ad server may communicate with one another via one or more networks or internetworks" (see paragraph [0052]).

In regards to claim 20, Applicant argues that "Bottigelli provides free Internet access (i.e., infrastructure), not client side programs sending client data as required by claim 20". In response to this argument, Examiner notes that Bottigelli teaches a HOST computer sending "a shock-wave advertising image including one or more interactive fields, preferably in the form of buttons, associated to questions directed to the semantic and/or aesthetic context of the contents that can be enjoyed on the screen", (a client program), and provides Internet to the client (see paragraph [0050]). Internet access is a product.

12. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles D. Adams whose telephone number is (571) 272-3938. The examiner can normally be reached on 8:30 AM - 5:00 PM, M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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